IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.17360 of 2004

Between:

Kola Venkata Ramana, S/o.Perumallu,
R/o.Agraharam, H/o.Surabhi, Chakrayapet Mandal,
Kadapa Dist.

..... PETITIONER

AND

1 The Govt. of A.P., rep. by its Secretary, Home Department,

Secretariat, Hyderabad.
2 The District Collector & District Magistrate, Kadapa, Kadapa District.
3 The Station House officer, Chakrayapet Police Station, Kadapa

District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in issuing G.O.Rt.No.1941, Home (General -C) Department, dated 27-7-1999 and cancelling the licence as illegal, arbitrary and violative of Art.19(i) (g) and 21 of the Constitution of India in so far as the petitioner is concerned and direct the respondents to return the petitioner weapon i.e., D.B.B.L. Gun bearing No.13375 c with Licence N.Chakrayapet-41 after renewing the licence.

Counsel for the Petitioner: MR.D.KODANDARAMI REDDY

Counsel for the Respondents: GP FOR HOME

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

The petitioner states that he obtained arms licence from the respondents for possession of DBBL Gun bearing No.13375-C vide arm Licence No.Chakrayapet-41 for the purpose of protecting his Crop. While so, the petitioner states that the then Government, issued orders suspending the arms licences in Rayalaseema region and in the Districts of Guntur and Prakasam for a period of six months, which was extended from time to time, and ultimately, the Government vide G.O.Rt.No.1941, dated 27.07.1999, Home (General-C) Department, dated 27.07.1999 extended the temporary suspension of arms licences for a period of one year from 01.08.1999 to 31.07.2000. In view of the suspension of licences, the petitioner states that he has deposited his gun with the

3rd respondent, and it is his case that though he made several representations for renewal and return of his gun, the 2nd respondent, vide proceedings dated 05.06.2003, has cancelled his arms licence. Hence, this writ petition.

A perusal of the impugned proceedings shows that the same was issued in pursuance of the Government Memo No.32239/Arms/98-10, Home (Arms) Department, Hyderabad, dated 28.10.2002, wherein the Government, after considering that the hunting of wild animals including wild Bear and Dear is

prohibited under the Wild Life (Protection) Act, the concept of gun licence for protection of crops itself does not have any meaning, have abolished the grant/renewal of gun licences for crop protection.

However, the Inspector of Police, L.R. Palle Circle after making a confidential enquiry submitted his report dated 06.11.2002 to the Superintendent of Police, Kadapa stating that the petitioner is having agricultural lands near by the Forest area, therefore the weapon is required to protect his crop and also his life from wild animals. The impugned order, it appears, did not take into consideration the report of the Inspector of Police, L.R. Palle Circle. Be that as it may, without expressing any opinion on the merits of the impugned order, and keeping in view the fact that the petitioner is having agricultural lands near by the forest area, and having regard to the orders issued by the Government in G.O.Rt.No.682, Home (General-C) Department, dated 25.04.2000, lifting the ban imposed on renewal of arms licences, and directing the District Collectors concerned to return the fire arms to the licensees after renewing the licences, in terms of the guidelines made therein, I deem it appropriate to dispose of the writ petition with the following directions:

The 2nd respondent-District Collector, Kadapa, is directed to return the gun of the petitioner after renewing it keeping in view the guidelines issued by the Government in G.O.Rt.No.682, Home (General-C) Department, dated 25.04.2000.

The writ petition is accordingly disposed of. No costs.

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N.V. RAMANA, J.

Date: 26.04.2005

Nsr/Ksr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Home Department, Govt. of A.P.,

Secretariat, Hyderabad.
2 The District Collector & District Magistrate, Kadapa, Kadapa District.
3 The Station House officer, Chakrayapet Police Station, Kadapa

District.

4 Two CCs to GP for Home, High Court Buildings, Hyderabad (OUT)

5 Two CD copies